

REMARKS

This paper is submitted in response to the Office Action dated June 27, 2008 (the "Office Action").

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-59 are pending.

Claims 54-56 stand rejected.

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 57-59 have been allowed.

The amendments add no new matter. The above amendments have been made to address matters of form and to more clearly set forth the claimed subject matter. While not conceding that the cited reference(s) qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant reserves the right, for example in a continuing application, to establish that the cited reference(s), or other references cited thus far or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Applicant respectfully submits that the pending claims are allowable in view of the following remarks and the above amendments, and respectfully requests reconsideration of the pending rejections.

Rejection of Claims under § 102(e) over Larson

Claim 54 stands rejected stand rejected under 35 U.S.C. § 102(e) as purportedly being anticipated by U.S. Patent No. 5,907,324 issued to Larson et al. ("Larson"). Applicant respectfully submits that the claims are allowable under § 102(e) because the cited portions of Larson fail to disclose each limitation of the pending claims.

As an initial matter, the pending rejections fail to comply with the requirements for a rejection under § 102(e). The *Code of Federal Regulations* clearly and explicitly provides that:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

37 C.F.R. § 1.104(c)(2) (emphasis added). The “must” language in this rule makes clear that designating the particular part of a reference on which a rejection relies is not at all optional under § 102(e).

Applicant respectfully submits that the particular parts of the cited reference that the Office Action has relied upon have not been designated as nearly as practicable, as required by 37 C.F.R. § 1.104(c)(2). In particular, the Office Action does not clearly indicate what features of the cited reference are alleged to correspond to many of the limitations in Applicant’s claims.

With regard to Applicant’s independent claim 54, the Office Action cites a series of lengthy excerpts from Larson (14:5—16:61, 10:14-49, and 11:49—12:18) without pointing to any particular features therein, as purportedly reading on Applicant’s limitations of:

receiving at an initially unavailable network station client
a persistent invitation to join an ongoing conference call, wherein
the receiving occurs after the ongoing conference call has begun
and comprises receiving a token indicative of the persistent
invitation to join the ongoing conference call at the initially
unavailable network station client.

(Emphasis added.)

However, the Office Action fails to discuss, or even mention, any particular features of these lengthy passages that purportedly correspond to Applicant’s limitations. The rejection of

claim 54 thus falls far short of the requirements for a rejection under § 102(e) as set forth in 37 C.F.R. § 1.104(c)(2). At least for this reason, the pending rejections under § 102(e) should be withdrawn.

If the Examiner wishes to maintain the pending rejections in a future Office action by providing explanations that support the rejections with the mandatory degree of particularity (“as nearly as practicable”) required by 37 C.F.R. § 1.104(c)(2), then those explanations should be provided in a subsequent non-final Office action, because they are not being necessitated under § 706.07(a) of the *Manual of Patent Examining Procedure* (ed. 8, rev. 7, Jul. 2008) (“MPEP”) by Applicant’s above amendments or by an IDS filed by Applicant, and because only a non-final Office action would provide Applicant a full opportunity to respond to the effectively new grounds for rejection.

Nevertheless, Applicant makes every effort herein to address the rejections outlined by the Office Action. Applicant respectfully submits that the cited portions of Larson fail to disclose each limitation of Applicant’s claim 54.

First, the Office Action appears to equate Larson’s “persistent conference object 74” with Applicant’s “persistent invitation.” (If this understanding of the Examiner’s concern is incorrect, then, again, Applicant requests that clarification of the rejection please be provided in a non-final Office Action so that Applicant may have an opportunity to address the Examiner’s concern.) However, persistent conference object 74 is not an “invitation” within the context of Applicant’s claim 54.

Larson introduces persistent conference object 74 as follows:

A persistent conference object 74 is a data structure that contains the information necessary to dynamically establish a conference

environment for a live conference. The persistent conference object 74 or file includes four broad categories of information. First, a persistent conference object 74 stores information about the participants of a conference. Second, the persistent conference object 74 also stores information concerning software applications that will be used during the conference. Third, the persistent conference object 74 stores those documents which will be discussed and/or edited during a conference. Last, the persistent conference file stores policies that will be used to manage the conference.

In addition to the above four categories of information, the persistent conference object 74 may also contain general information about the particular conference.

In a preferred embodiment, the persistent conference object 74 includes the following sub-objects: a session profile 75, several participant profiles 76, several document profiles 77, several application profiles 78 and several policy profiles 79.

Larson, 6:37-58.

Thus, Larson's persistent conference object 74 includes the following categories of information:

- information about the participants of a conference,
- information concerning software applications that will be used during the conference,
- documents which will be discussed and/or edited during the conference,
- policies that will be used to manage the conference, and
- general information about the particular conference.

See, id.

However, nothing in the above-noted features from Larson, or in the cited tracts from Larson, teaches that a persistent invitation to join an ongoing conference call is received at "an initially unavailable network station client." Still further, the cited tracts of Larson fail to teach that a persistent invitation is received "after the ongoing conference call has begun." Moreover,

none of the above-noted features could reasonably be seen as corresponding to the “persistent invitation” in Applicant’s claim 54 because none of the above-noted features from Larson correspond to an “invitation.” The cited tracts from Larson do not remedy this shortcoming.

At least these limitations are absent from the cited passages of Larson. Accordingly, Applicant respectfully submits that claim 54, and all claims dependent therefrom are allowable under § 102(e).

Rejection of Claims under 35 U.S.C. §102(e) over Larson and Yunoki

Claims 55-56 stand rejected stand rejected under § 102(e) as purportedly anticipated by Larson with further reference to U.S. Patent No. 5,408,518 issued to Yunoki (“Yunoki”). Applicant respectfully submits that claims 55-56 are allowable under § 102(e).

To start, Applicant respectfully submits that the rejections of claims 55-56 are on their face improper, because rejection under § 102(e) cannot depend on citations of art from two separate references. *See, e.g.*, MPEP § 2131. The pending rejections of claims 55-56 under § 102(e) rely on two separate references, Larson and Yunoki. Accordingly, these rejections are improper under § 102(e) and MPEP § 2131.

In addition, Applicant notes that the above arguments regarding independent claim 54 apply with full force to the rejections of claims 55-56, which depend thereon. For this additional reason, these claims are allowable under § 102(e).

Moreover, Applicant respectfully submits that the cited passages of Yunoki fail to remedy the shortcomings of Larson. For example, Yunoki does not teach the use of a persistent invitation. Moreover, Yunoki does not teach that any kind of invitation is received “after the ongoing conference call has begun,” as would be required to meet Applicant’s claim 54. Indeed,

an example in Yunoki implies that a contrary timing relationship exists between a voice message and a teleconference run: the voice message is sent before a teleconference run. A procedure receives a request from a call originating subscriber to establish an upcoming teleconference run. Yunoki, 5:13-17. Invitees are then notified of the upcoming teleconference run. *Id.* at 5:61—6:5. After receiving the initial notification of the teleconference run, invitees are offered opportunities to confirm (*id.* at 7:1-59) or decline (*id.* at 7:60—8:41) their participation. Only after these initial procedures does the Yunoki procedure initiate a teleconference run. “A teleconference participant executes processes . . . for a teleconference absence notification process, a teleconference cancellation process and a teleconference status confirmation process, at any time after the [teleconference notification] process in ST2 and before the process in ST6 (a teleconference run process) on request from a controller.” Yunoki at 11:30-37, emphasis added. This example from Yunoki thus teaches that a voice message is sent in advance of the Yunoki teleconference run, rather than after the teleconference run has begun.

At least for these reasons, claims 55-56 are also patentable under § 102(e).

Allowable Subject Matter

Applicant expresses gratitude for the indication that claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 57-59 are allowed. Applicant submits that these claims continue to be in a condition for allowance.

In particular, Applicant draws the Examiner’s attention to allowed independent claims 24 and 39. Applicant respectfully submits that claims 24 and 39 are also allowable over the cited portions of the references for reasons similar to those discussed above with regard to claim 54.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. §§ 1.16 or 1.17, be charged to deposit account 502306.

Respectfully submitted,



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